

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

In Re: Boston Scientific Corp.
Pelvic Repair System Products Liability Litigation
MDL No. 2326

Civil Action No. 2:14-cv-23120

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2326 by reference. Plaintiff(s) further show the Court as follows:

1. Female Plaintiff:

Betty L. Newell

2. Plaintiff Husband (if applicable):

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. State of Residence:

AR

5. District Court and Division in which venue would be proper absent direct filing:

Arkansas Eastern District Court

6. Defendants (Check Defendants against whom Complaint is made):

☒ A. Boston Scientific Corporation

- ☐ B. American Medical Systems, Inc. (“AMS”)
- ☐ C. Johnson & Johnson
- ☐ D. Ethicon, Inc.
- ☐ E. C. R. Bard, Inc. (“Bard”)
- ☐ F. Sofradim Production SAS (“Sofradim”)
- ☐ G. Tissue Science Laboratories Limited (“TSL”)
- ☐ H. Mentor Worldwide LLC
- ☐ I. Coloplast Corp.
- ☐ J. Cook Incorporated
- ☐ K. Cook Biotech, Inc.
- ☐ L. Cook Medical, Inc.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

4, 5, and 6

B. Other allegations of jurisdiction and venue:

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff):

- ☒ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☒ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☐ The Solyx SIS System; and/or
- ☐ Other

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☒ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☒ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;

- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
 - ☐ The Prefyx PPS System;
 - ☐ The Solyx SIS System; and/or
 - ☐ Other
-
-

10. Date of Implantation as to Each Product:

Advantage Transvaginal Mid-Urethral Sling System - 7/16/2013;

Uphold Vaginal Support System - 07/16/2013

11. Hospital(s) where Plaintiff was implanted (Including City and State):

Advantage Transvaginal Mid-Urethral Sling System - Arkansas Methodist Medical Center, located in Paragould, AR;

Uphold Vaginal Support System - Arkansas Methodist Medical Center, located in Paragould, AR

12. Implanting Surgeon(s):

Advantage Transvaginal Mid-Urethral Sling System - Dr. John R. Stripling;

Uphold Vaginal Support System - Dr. John R. Stripling

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I – Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn

- ☒ Count V - Breach of Express Warranty
- ☒ Count VI – Breach of Implied Warranty
- ☐ Count VII (by the Husband) – Loss of Consortium
- ☒ Count VIII – Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count IX – Punitive Damages
- ☐ Other Count _____ If Plaintiff asserts additional claims,
please state the factual and legal basis for these claims below:

- ☐ Other Count _____ If Plaintiff asserts additional claims,
please state the factual and legal basis for these claims below:

Respectfully submitted,

/s/ Derek H. Potts
Derek H. Potts MO #44882
Timothy L. Sifers MO #49386
Patricia L. Campbell MO #60917
The Potts Law Firm, LLP
908 Broadway, 3rd Floor
Kansas City, MO 64105
Email: dpotts@potts-law.com
Email: tsifers@potts-law.com
Email: pcampbell@potts-law.com
(816) 931-2230 Telephone
(816) 931-7030 Facsimile
Attorneys for Plaintiffs